

Supreme Court of the United States.

N^o 478.

The Steamer B. L. Hodges &c. Joseph A. Siken
John H. Menge and John Beardman.

vs.

Plaintiffs in Error

The Crescent City Live Stock Landing and
Slaughter House Company.

In Error to the Supreme Court of the
State of Louisiana.

Filed 30th August 1870.

Index.

2507

Docket of the
Supreme Court of the State of Louisiana.

Manuscript of Appeal.

State of Louisiana

Fifth District Court for Parish of Orleans.

Crescent City Live Stock Landing
and Laughter House Co.

vs.

Steamboat B. L. Hodge
P.L. and Owners.

No. 20.

Campbell Spofford and Campbell, Fellows and
Hills and Cotton Levy. Attys for Appellants.

Joseph L. Horner, Wm H. Hunt, Randall Hunt
and C. Roselius Attys for Appellee.

Returnable to the Supreme Court of La, on the
First Monday of January 1870.

2507 Sup. Court of La. Filed December 22^d 1869
Signed W. P. Julian Deputy Clerk.

Manuscript of appeal
Returnable to the Supreme Court of the State of
Louisiana on the first Monday of December 1870.

State of Louisiana
Fifth District Court for the Parish of Orleans.

Petition. Filed June 26th. 1869.
C. C. L. S. L. and S. H. Co.

vs. } No. 120.
Str. S. L. Hodge & 2nd Owners

To the Honorable Charles Leammont, the Judge
of the Fifth District Court for the Parish of Orleans.
The Petition of the Crescent City Live Stock
Landing and Slaughterhouse Company, a bo-
dy corporate under the laws of Louisiana, res-
pectfully shews, That said Corporation is au-
thorized by law to establish and erect wharves,
stables, buildings etc. necessary to land, stable,
shelter protect and preserve all kinds of horses
mules, cattle and other animals, from and af-
ter the time such buildings, etc are ready and com-
plete for business, and public notice thereof given;
and that the sole and exclusive privilege of
conducting and carrying on the Live Stock
Landing and Slaughter House Business of cat-
tle and other animals destined for sale and
slaughter in New Orleans and its environs, is
conferred exclusively upon petitioners, as is fully
set forth in the of incorporation aforesaid. That
your petitioners have erected the buildings
etc. and given the notice required by law, and
are now ready to, and have proceeded to the

discharge of the duties devolving on them, since the first day of June 1869.

That by section One of the Act of the Legislature approved March 8th 1869. N^o 118 of Session Acts it is provided that "any person or persons, or corporation or company, carrying on any business or doing any act in contravention of this Act, or landing, slaughtering or keeping any animal or animals in violation of this Act, shall be liable to a fine of two hundred and fifty dollars for each and every violation, the same to be recoverable, with costs of suit, before any court of competent jurisdiction."

That by section Eight of the said Act of the Legislature, it is provided that all the fines and penalties incurred for violation of this act shall be recoverable in a civil suit before any court of competent jurisdiction said suit to be brought and prosecuted by said company or corporation (The present City Live Stock Landing and Slaughter House Company) in all cases where the privileges granted to the said company or corporation by the provisions of this act are violated or interfered with, that one half of the fines and penalties recovered by said company or corporation in consideration of their prosecuting the violation of this Act and the other half shall be paid over to the Auditor

of Public Accounts to the credit of the Educational Fund:

That by section Four of the said Act of the Legislature, it is provided: "That after the first day of June A.D. 1869" said company (The present City Live Stock Landing and Slaughter House Company) shall have the exclusive privileges of having lands or their wharves or landing places all animals intended for sale or slaughter in the parishes of Orleans and Jefferson; and by section First of said Act all persons are prohibited from landing, keeping or slaughtering any cattle, bees, calves, sheep, swine and other animals, "at any point, within the City of New Orleans, or parishes of Orleans, Jefferson and St. Bernard" except at the establishment of Petitioner.

Petitioner further shows that the Steamboat S. L. Hodge N. 2. and her owners, Joseph A. Aiken, John W. Menze and John Boardman who all reside in the City of New Orleans are justly and truly indebted to your petitioner, for itself and for account of the State of Louisiana, in the full sum of two hundred and fifty dollars, with interest and costs, now due and owing, for this to wit: That said Steamboat S. L. Hodge N. 2. and her said owners in contravention of the provisions of the said Act of the Legislature, and in violation of the privileges of Petitioner.

tioner, did on the 25th day of June 1869 land certain animals intended for sale or slaughter within the above named prescribed limits to wit: 226 head of cattle (beef cattle more or less, at a place other than the establishment of your petitioner, and within the Parishes of Orleans, Jefferson and St. Bernard, to wit, at City of Jefferson in the Parish of Jefferson and that said Steamboat S. L. Lodge No. 2, and her said owners have become indebted to petitioner as aforesaid, and that said sum is now due and owing.

Wherefore Petitioner prays that said Steamboat S. L. Lodge No. 2. and her said owners, Jos. J. Aiken Jno. H. Menge and John Boardman be cited to appear and answer this petition and that after due proceedings had, that they be condemned in solidos to pay to petitioner for itself and for the State of Louisiana, said sum of two hundred and fifty dollars, with interest and costs, and petitioner prays for all and general relief. C. Roselius of Counsel.

(Signed) Raydell Hunt.

Sgd. Wm. H. Hunt and

Joseph P. Corner Attorneys.

Citation on the owners of the Steamer S. L. Lodge No. 2.
C. C. L. S. L. & S. H. Co.

} N. 720
 By B. L. Hodge N. 2 and Owners
 State of Louisiana. Fifth District Court for
 the Parish of Orleans. To The Owners of the Steamer
 B. L. Hodge N. 2 New Orleans:

You are hereby summoned to comply with
 the demand contained in the Petition of which
 a copy accompanies this citation, or deliver
 your answer to the same in the office of the Clerk
 of the Fifth District Court for the Parish of Or-
 leans in ten days after the service hereof.

Witness the Honorable Charles Leammont,
 Judge of the said Court the 26th day of June in
 the year of our Lord 1869.

(Signed) F. A. Luminais Dy. Clk
 Sheriff's Return to above.

Received June 26. 1869 and on the 25th day of
 the same month and year served a true copy
 of the within citation and accompanying
 Petition on the owners of the Steamerboat B. L.
 Hodge N. 2 by personal service on Jos. A. Hiken
 one of the owners of the Steamerboat B. L. Hodge
 the same day.

(Signed) Jas. Boudet Dy. Sheriff

Citation on Jos. A. Hiken
 C. C. L. L. L. & S. H. Co

vs.
 Steamer B. L. Hodge N. 2 Owners } N. 720

State of Louisiana.

Fifth District Court for the Parish of Orleans in the City of New Orleans. M^r. Jos. A. Aiken of N. O.

You are hereby summoned to comply with the demand contained in the Petition of which a copy accompanies this citation or deliver your answer to the same in the Office of the Clerk of the Fifth District Court for the Parish of Orleans.

Witness, the Honorable Charles Beaumont, Judge of the said Court, the 26th day of June in the year of our Lord 1869.

(Sgd.) F. J. Luminais Dy. Clerk.

Sheriff's Return to above.

Received June 26th 1869 and on the 26th day of the same month and year served a true copy of the within citation and accompanying petition personally on Jos. A. Aiken one of the Defendants herein. Returned same day.

(Signed) Jas. Bonnet. Dy. Sheriff.

Citation of John H. Menze.

C. C. & S. L. & S. H. Co.

vs.

Steamer B. L. Hodge. N^o. 34 owners

} N^o. 720.

State of Louisiana.

Fifth District Court for the Parish of Orleans in the City of New Orleans. M^r. John H. Menze of N. O.

You are hereby summoned to comply

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contained in the Petition of which a copy accompanied this Citation, or deliver your answer to the same in the Office of the Clerk of the Fifth District Court for the Parish of Orleans, in ten days after the service hereof.

Witness the Honorable Charles Legumont, Judge of the said Court, the 26th day of June in the year of Our Lord 1869.

(Sgd.) F. A. Luminais Dy. Clerk.
Sheriff's Return to above.

Received June 26th 1869 and on the 27th day of July same year served copy of the within Citation and accompanying petition personally on John W. Menze. Ret. same day.

(Sgd.) F. Hester Dy. Sheriff.
Citation on John Boardman Captain Steamer
B. L. Hodge No. 2
C. C. L. S. L. & S. H. Co

vs. } No. 720
Steamer B. L. Hodge No. 2 and Owners.
State of Louisiana.
Fifth District Court for the Parish of Orleans
In the City of New Orleans No. John Boardman of
N. O.

You are hereby summoned to comply with the demands contained in the Petition of which a copy accompanies this Citation, or deliver your answer to the same in the Office of the Clerk of the Fifth District Court for the Parish

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of Orleans in ten days after the service hereof
Witness the Honorable Chas. Leammont, Judge
of the said Court the 26th day of June in the year
of our Lord 1869.

(Sgd) F. A. Luminais. Dy. Sheriff.
Sheriff's Return to above.

Received June 26th. 1869 and after due search
and enquiry I learned that John Boardman
is not in this and out of the State he will
not be back here for some time. Returned July
2nd 1869. (Sgd) F. Fister dy Sheriff.

Exception and answer of Defendants.
Filed July 14th 1869.

C. C. L. S. L. & S. O. Co.

vs.
Str. B. L. Wodge No. 2. Towners.
5th district court.

No 720.

Now come the defendants, and for exception
to the petition of the plaintiffs, say that the
plaintiffs are not a corporation, as is therein
pretended, nor are they capable of standing in
judgment in this Court.

1st. Because they say that the act of the general
assembly, No. 118, approved March 8th 1869, of
the session acts of 1869, is a plain, direct and
palpable violation of the Constitution of the U-
nited States, because the same abridges the
right and privilege of these defendants who

are citizens of the United States, and endeavor to create a corporation composed of a few persons, with sole and exclusive privilege contrary to the common right, the laws of the United States, and the Constitution of the same.

2^o. Because the said supposed act violates the constitution of the State of Louisiana, because it endows a few persons with special, exclusive, and important privileges and rights which are common to the people of the State, and destroys that equality which the constitution secures to all the citizens of the State, and impairs rights of liberty and property of these defendants as citizens.

3^o. Because the said corporation did not, on or before the first day of June, 1869, build & complete a grand slaughter house of sufficient capacity to accommodate all butchers, and in which to slaughter five hundred animals a day, and did not erect a sufficient number of sheds and stables to accommodate all the stock received at this port, but in the fulfillment of the conditions of the said act were in default on the day aforesaid.

And these defendants for each of the causes before mentioned except to the said petition, and pray that this suit be dismissed, with costs.

And for answer to the said petition, in
witness whereof, we have signed these presents at New Orleans, this 11th day of June, 1869.

case the above exceptions are not sustained and only in that event, the defendants deny all and singular the allegations therein contained.

And further answering they aver that the steamboat S. L. Hodge No. 2 is a duly and regularly licensed vessel of the United States and was employed in the lawful internal commerce of the same, and to convey freight and passengers to and from the ports and landing places of the various places in the United States, and on the navigable waters of the same; and that, at the date of the grievance mentioned in the petition, the said vessel was engaged in regular commerce and landed her freight in the port of New Orleans, and the landing of the city of Jefferson, as she was entitled to do under the laws of the United States and the regulations of the Treasury Department thereof.

These respondents further aver that said plaintiffs have not, and could not have had, any authority from any source to control, direct, or compel the landing of freight at the wharves of said company, nor impose and charge upon them.

Wherefore they pray that this suit be dismissed at costs for plaintiffs, and for general relief.

"Sgd" Campbell, Spofford & Campbell.
"Sgd" Cotton & Levy.
" Fellows & Mills Atty.

Order, Exception continued. Nov 20th / 69, Extract
from Minutes.
C. C. L. S. L. & S. H. Co. } No. 720

vs.
Steamer D. L. Hodge No. 2 and owners.
The exception in this case is continued indefinitely

Admission of facts. Filed Dec. 9th 1869.
C. C. L. S. L. & S. H. Co.

vs. } No. 720
The Steamer D. L. Hodge No. 2 and owners
5th District Court.

It is admitted that defendants landed 226
heads of cattle at the Stock landing City of Jefferson
at the time set forth in the petition.
That the Steamer D. L. Hodge No. 2 is a vessel li-
censed under the laws of the U. S. and engaged
in carrying freight and passengers for hire as
set forth in the defendants answer.

(Sgd) Fellows & Mills of course for Defendants.

(Sgd) Joseph L. Hornor Plff.

Note of Evidence. Filed Dec. 9th 1869.
C. C. L. S. L. & S. H. Co.

vs. } No. 720
Steamer D. L. Hodge No. 2 & Owners

Plff. offers in evidence the admission on file and
defendants offer the oral testimony in the case 809
and plff. offers the rebutting evidence taken in the
same case.

Order.

case submitted. - Dec. 9th. 1869. Extract from Minutes
C. C. L. S. L. & S. H. Co.

vs.

Steamer B. L. Hodge & Owners

} No 720.

This cause came on this day for trial,
W. H. Hunt and J. I. Hornor for Plff.
J. A. Fellows, J. A. Campbell & J. B. Cotton for Defs.
Whereafter hearing evidence said cause being sub-
mitted the court took the same under advisement.

Judgment. December 10th 1869.
C. C. L. S. L. & S. H. Co.

vs.

Steamer B. L. Hodge No 2 and Owners

} No 720

In this case the court being of opinion that
the law and evidence are in favor of plaintiff.

It is ordered adjudged and decreed that
there be judgment in favor of plaintiff The Pres-
ent City Live Stock Landing andlaughter
House Company, and against defendants Steam
boat B. L. Hodge No 2 and her owners Jos A. Hiken,
Jno. H. Menge, and John Boardman in solid for
the sum of two hundred and fifty dollars

with legal interest from judicial demand to
 wit: June 26th 1869, until paid and costs of suit.
 Judgment rendered December 10th 1869.

(Sgd) December 14th 1869.

"Sgd" Chas. Leammont. - Judge.

Bill of Exceptions for Defendants. Filed Dec. 14th 1869.
 C. C. L. S. L. & S. H. Co.

vs.

} No 720.

Steamer B. L. Hodge N. D. & Owners.

Be it remembered that on the trial of this case
 the counsel for defendants offered many and
 various witnesses to prove as is fully set forth
 in the Bill of Exceptions taken by them in the
 case entitled "The State of La. Ex. Rel. Attorney
 General vs. Wm. Fagan et al No 809 of the Docket
 of the 5th. District Court; To the introduction
 of which testimony and the examination of which
 witnesses the counsel for the Plaintiffs objected
 on the grounds as stated in said Bill of Ex-
 ceptions which objections the court sustained
 and ruled out the testimony and refused to
 permit the witnesses to be sworn or examined
 and to which ruling the counsel for the defend-
 ants excepted and tender this their bill of ex-
 ceptions for signature.

(Sgd) J. P. H.

(Sgd) Chas. Leammont.

Judge.

Bond. - Filed Dec. 14th 1869.

of New Orleans on this 14th day of December
in the year of our Lord one thousand eight
hundred and sixty-nine.

Whereas the above founden capt. and own-
ers of the steamer D. L. Hodge. No. 2. this day
filed a ^{peti-}tion of appeal from a final
judgment rendered against them in the suit
of Crescent City Live Stock Landing and
Slaughter House Company vs them No. 20
in the fifth district court for the parish of
Orleans, on the 9th day of December 1869.

Now the condition of the above obligation
is such, that the above bound appellants
shall prosecute their appeal, and shall sat-
isfy whatever judgment may be rendered
against them, or that the same shall be sat-
isfied by the proceeds of the sale of their estate,
real or personal, if they be cast in the appeal;
otherwise that the said R. H. Noble, surety
shall be liable in their place.

(Sgd.)

Pellour & Mills, L. S.

Attys for Appellants.

(Sgd.)

R. H. Noble, L. S.

Bill of exceptions for plaintiff. - Filed Dec.
17th, 1869.

C. C. L. S. Land & S. H. Co.

vs.

No. 20.

Steamer D. L. Hodge & Owners
Fifth District Court, Parish of Orleans.

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Be it remembered that on the trial of this case in open court, on Thursday, the 9th day of December, 1869, the counsel for depts offered the evidence of Peter Garman and others to prove that plffs had not complied with the provisions of their act of incorporation sec. 35; to which the counsel of plffs objected on the grounds following:

First. That such matters could not be set up against plffs except by the State; that par depts herein had no right to call such facts in question.

Second. That it had been admitted by the state in the pleadings in the case of The State of La. ex rel G. Selden, Atty. Genl vs. Wm. Fagan et als. N^o 809 of the docket of the fifth district court for the parish of Orleans, that plffs had complied with the conditions of their charter, and that such admission is conclusive upon depts.

That the court overruled these objections, and ordered the evidence to be received, when the counsel for plffs excepted to the said ruling of the court and tendered this bill of exceptions, praying the court to sign the same, and make it a part of the record in this case

Hgd's

Chas. Leammont, Judge.

Clerk's certificate.

State of Louisiana,

Fifth District Court for the Parish of Orleans:

Philip Power, Jr. Deputy Clerk of the fifth district court for the parish of Orleans, and as such duly sworn, do hereby certify that the above and foregoing (33) thirty-three pages contain a true and complete transcript of all the proceedings had, documents filed, evidence and testimony adduced in the case wherein "The Crescent City Live Stock Landing and Slaughter House Company" is plaintiff and the Steamboat B. L. Hodge, No. 2 and owners are the defendants, the same being numbered No. 20 of the docket of the fifth district court for the parish of Orleans.

Witness my hand and affixed the impress of the seal of our said court, at the city of New Orleans, this twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-nine and the ninety-fourth year of the independence of the United States of America.

(Seal) (Signed) Philip Power Jr.
 Dy. Clerk acting in the absence of Louis Power on account of sickness.

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Supreme court of the State of Louisiana
Agreement of Counsel. Filed January 30. 1870.
Supreme Court.

Inbau Aycock & Co.

vs.

C. C. L. L. L. & S. H. Co

Butchers Benevolent Ass'n

vs.

Same.

L. L. L. & But. Ass'n

vs.

Same et al

C. C. L. L. L. & S. H. Co.

vs.

St. St. B. L. Hodge N. L. & Owners

State ex rel S. Felder Atty Genl.

vs.

Wm Fagaro et al

C. C. L. L. L. & S. H. Co.

vs.

Butcher's Benev. Ass'n.

It is agreed that the above six entitled and numbered suits are to be submitted to the court for adjudication upon the briefs filed and arguments ~~made~~ made in the case of The State, ex rel Lincoln Felder, Atty General, vs. Wm Fagaro et al. No. 2508 of the docket of this court, and at the

sanction of the submission of said case.

A.B. 3 January 1870.

(Signed) Joseph P. Hornor.

of counsel for C. C. L. S. L. & S. H. Co.

(Signed) Helloc & Mills,

Attys for Sarban, Aycock & Co. & others
in above suit.

Case submitted: Extract from the minutes.
Friday, January 28th, 1870. - The court was
duly opened. Present their honors John F.
Ludeling, chief justice, and James C.
Valiaferro, Rufus L. Howell, W. G. Wyly,
William W. Howe, associate justices.

Crescent City Live Stock Landing
and Slaughterhouse Company.

vs.
Steamboat S. L. Dodge No. 2. Owners.

} No 2307.

On written consent thereof
of counsel for both parties exhibited to
the court, this case was taken under ad-
visement by the court upon the briefs now
on file for both parties.

Opinion & decree. - Filed April 11th, 1870.
Appeal from the fifth district court of
Orleans.

Crescent City Live Stock Landing
and Slaughterhouse Co.

vs.
Steamboat S. L. Dodge No. 2. Owners

} No 2307

Ludeling C. J. delivered the opinion of the court in the words and figures following to-wit:

For the reasons given in the case of The case of The State of Louisiana, ex rel. S. Selden, Attorney General, vs. Wm. Bazan et al.; it is ordered, adjudged, & decreed that the judgment of the district court be affirmed of appeal.

Decree. - Extract from the minutes.
Monday, April 11, 1870. - The court was duly opened pursuant to adjournment. Present, their honors John T. Ludeling, chief justice; and James G. Taliaferro, W. G. Wylie, William W. Howe, associate justices; absent Rufus R. Howell, associate justice.

His honor the chief justice pronounced the judgment & decree of the court in the following case:

Crescent City Live Stock Landing and Slaughter House Company.

vs. Steamboat S. L. Hodge No. 2 and owners.
On appeal from the 5th district court for the parish of Orleans.

It is ordered, adjudged, and decreed that the judgment of the district court be affirmed, with costs of appeal.

Petition for rehearing. - Filed April 26, 1870.

Supreme Court.

Crescent City Live Stock Landing
and Slaughter House Co.

vs.

The Steamboat B. L. Hodge No. 2. } No. 2509.

and owners.

The Defendants and appellants herein,
with respect, show that they are informed
that there is error in the decision rendered
herein by the supreme court:

Wherefore they pray that a rehearing
be granted them in this case on the
grounds & for the reasons filed in suit No.
2508, entitled "State of La. ex rel. S. Bel-
den Atty Genl. vs. Wm. Fagan et als" & for
a rehearing of the case and reversal
of the judgment of the district court
& for general relief.

(Signed)

Fellow & Niles

(Signed)

Campbell, Spofford, & Campbell

(Signed)

Cotton & Levy, of Counsel.

Rehearing refused. - Extracts from the minutes.
Monday, May 9th, 1870. - The court was
duly opened. present their honors John T.
Ludeling, chief justice; and James G.
Taliaferro, Rufus R. Howell, associate jus-
tices, absent. W. G. Myly, associate justice.

This honor the chief justice pronounced
the judgment & decree of the court in the
following case:

Crescent City Live Stock Landing
and Slaughter House Co.

vs. } No. 2507.
Steamboat S. L. Hodge No. 2. and owners

It is ordered that the rehearing applic-
ed for in this case be refused.

Petition for writ of error.
The Crescent City Live Stock Land-
ing and Slaughter House Company.

vs. } No. 2507 S. C.
The Ste. S. L. Hodge No. 2. and owners
The United States of America,
State of Louisiana, Parish of Orleans.
To the Honorable Joseph P. Bradley, asso-
ciate justice of the Supreme Court of the
United States.

The Petition of the Steamer S. L. Hodge
No. 2 & her owners Joseph A. Aiken, John
H. Menge, & John Boardman defendants
in a cause wherein the Crescent City
Live Stock Landing and Slaughter House Co.
is plaintiff respectfully represents-

That Petitioners are aggrieved by a final
judgment in the supreme court of the

state of Louisiana, bearing date the 9th day of May instant, and that they exhibit to your honor a copy of the records of the cause, with the opinions and decree of the said court annexed to this petition as Exhibit A.

That it appears on the face of the said records that your petitioners claimed the right, privilege & title under the laws & Constitution of the United States & especially under the fourteenth amendment thereof to engage in the carrying trade and the business of steamboating within and between the various ports of the United States & landing stock & other produce at any landings allowed to any persons under the laws of the state or United States.

But that against common right, & the right of defendants, your petitioners, the legislature of Louisiana did grant to seventeen persons, incorporated as The Crescent City Live Stock Landing & Slaughter House Company business within the limits & privileges of the said act, & did make it unlawful for any person or persons to land, keep, or slaughter any cattle, horses, sheep, swine, or other animals or to have any stock landing at any point or place within the parishes of Orleans, Jefferson, or St. Bernard or within

the corporate limits of the city of New Orleans other than those of said corporation, & ~~it~~^{it} did require that all animals designed for sale and slaughter in said parishes should be landed at the wharves of said corporation, & fixed a tariff of burdensome charges therefore, contrary to common rights & the Constitution of the United States.

And your petitioners aver that in said cause was set up the said constitutional & legal right, title, & privilege, but that said court overruled & determined adversely to the same, thereby establishing and maintaining an odious, oppressive, & mischievous monopoly against common right, & the law & the Constitution of the United States.

Wherefore petitioners respectfully pray of your honor to allow a writ of error to the Supreme Court of the United States, to sign a citation to the plaintiff in said cause, & to approve the bond herewith submitted, & for such further order as may be right & justice in the premises appertain.

(Signed)

Heflow & Mills.

Attorn & Cery.

Writ of error allowed May 13. 1870.

(Signed)

Jos. D. Bradley.

Ass. Justice Sup. Court. U.S.

Filed May 16th. 1870.

(Signed) M. P. Julian

Deputy Clerk Sup. Court State of La.

Bond for writ of error.

Supreme Court of Louisiana.

The Crescent City Live Stock Landing
and Slaughter House Company.

The Geo. B. L. Hodge No. 2. Capt. Towners }
now all men by the presents that we
The Geo. B. L. Hodge, No. 2 & Joseph A. Hiker,
John B. Henge & John Boardman, owners,
as principals and William Maylie, as surety
are held and firmly bound unto The Crescent
City Live Stock Landing & Slaughter House
Co. in the full and just sum of three thous-
and dollars, to be paid to the said Crescent
City Live Stock Landing & Slaughter House
Company, its certain attorney, executor, ad-
ministrators, or assigns; to which payment
well and truly to be made, we bind ourselves
our heirs, our executors, and administrators
jointly and severally, by these presents, seal-
ed with our seals, and dated this thirteenth
day of May, in the year of our Lord one thou-
sand eight hundred and seventy.

Whereas, lately, at a session of the supreme
court of the State of Louisiana, held the 7th
of May, 1870, in a suit depending in said

supreme court wherein The present City Live
Stock Landing & Slaughter House Co. was
plaintiff, and The Str B. L. Hodge No. 2 and
owners were defendants; and the said Str B.
L. Hodge No. 2. owners having obtained a writ
of error, and filed a copy thereof in the clerk's
office of the said supreme court to reverse
the judgment in the aforesaid suit, and a
citation directed to the said present City
Live Stock Landing and Slaughterhouse
company, citing and admonishing it to
be and appear at a Supreme Court of the
United States, to be holden at Washington
the first Monday of December next:

Now the condition of the above obliga-
tion is such, that if the said Str B. L. Hodge
No. 2 owners, Joseph A. Aiken, John C. Munge
& John Boardman shall prosecute their writ
to effect, and answer all damages and costs
if they fail to make their plea good, then the
above obligation to be void; else to remain in
full force and virtue.

(Signed.)

J. H. Munge. (L. S.)

(Signed.)

Joe. A. Aiken. (L. S.)

(Signed.)

Wm. Maylie. (L. S.)

Sealed and delivered in the presence of
(Signed) J. L. A. Fellows.

Approved May 13th, 1870

(Signed) Jos. P. Bradley.
Asso. Just. Sup. Ct. No. S.

Filed May 16th, 1876.

(Signed) M. J. Julian.
Deputy Clerk Sup. Court State of La.

Writ of error.

Supreme court of Louisiana.
The Crescent City Live Stock Landing
& Slaughter House Co. }
vs. } No. 2507.
The Steamer B. L. Hodge No. 2 Owners }

United States of America, ss:

The President of the United States to the
honorable the judges of the supreme court
of the state of Louisiana, greeting:

Because, in the record and proceedings
as also in the rendition of the judgment of
a plea which is in the said supreme court
before you, between The Crescent City Live
Stock Landing & Slaughter House Compa-
ny, plaintiff, and The Steamer B. L. Hodge
No. 2, & Joseph A. Aiken, John W. Menge, &
John Boardman, her owners, defendants,
a manifest error hath happened to the great
damage of the said Steamer B. L. Hodge
No. 2, & Joseph A. Aiken, John W. Menge, &
John Boardman, her owners, as by their
complaint appears; we, being willing that

error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, so that you have the same at Washington on the first Monday of December next, in the said Supreme Court to be then and there held, that, the record and proceedings aforesaid, being inspected, the said Supreme Court may cause further to be done therein, to correct that error, what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Salmon P. Chase Chief Justice of the said Supreme Court of the United States, this thirteenth day of May in the year of our Lord one thousand eight hundred and seventy.

(Seal) (Signed) D. Urban.

Clerk of the United States Circuit Court for the District of Louisiana.

Allowed May 13. 1870.

(Signed)

Jos. P. Bradley.
Asso. Just. Supreme Court U.S.

Filed May 16th 1870.

29

(Signed)

M. J. Julian
Deputy Clerk. S. C. State of La.

The United States of America,

State of Louisiana:

The President of the United States to The
best City Live Stock Land and Plough
House Company, greeting;

You are hereby cited and admonished
to be and appear at a Supreme Court of the
United States, to be holden at the city of Wash-
ington on the first Monday of December
next, pursuant to a writ of error filed in
in the clerk's office of the supreme court of
the State of Louisiana, wherein The Steam-
er S. L. Hodge No. 2, and Joseph A. Nihon,
John H. Menge, and John Boardman,
her owners, are plaintiffs in error, and you
are defendants to show cause if any there
be, why the judgment rendered against
the said plaintiffs, as in said writ of error
mentioned, should not be corrected and
why speedy justice should not be done to the
parties in that behalf.

Witness the Honorable Salmon P. Chase
Chief Justice of the Supreme Court of the
United States, this thirteenth day of May
in the year of our Lord one thousand eight
hundred and seventy.

Geo. J. Bradley.

Sec. Just. Sup. Ct. U. S.

Indorsed: Supreme court of Louisiana.
No 2707. The Crescent City Live Stock Land-
ing and Slaughter House Company vs
The W. B. L. Hodge No 27 owners. Citation.
Marshals Return.

Received May 18. 1870 by the U. S. Marshal
and on the same day month and year
served a copy of the within citation on the
within named Crescent City Live Stock
Landing and Slaughter House Company
through F. J. Pratt, president thereof, by de-
livering the same to him said Pratt, in per-
son, at his office, corner of Common & Caron-
del streets, in this city.

New Orleans, May 18th 1870.

J. W. Reed.

Depy U. S. Marshal.

Filed June 15. 1870.

M. J. Julian

Depy Clerk

Citation.

Supreme Court of Louisiana.
The Crescent City Live Stock Landing
and Slaughter House Company.
vs.
The W. B. L. Hodge No. 27 owners.

No 2507

The United States of America,
State of Louisiana:

The President of the United States to The
Crescent City Live Stock Landing and Slaughter
House Company, greeting:

You are hereby cited and admonished
to be and appear at a Supreme Court
of the United States, to be holden at the city
of Washington on the first Monday of De-
cember next, pursuant to a writ of error
filed in the clerk's office of the supreme court
of the state of Louisiana, wherein The
Steamer S. L. Hodge N. 2 & Joseph H. Munge
& John Boardman, her owners, are plaintiffs
in error, and you are defendants to show
cause, if any there be, why the judgment
rendered against the said plaintiffs, as
in said writ of error mentioned should not
be corrected and why speedy justice should
not be done to the parties in that behalf.

Witness the Honorable Salmon P. Chase
Chief Justice of the Supreme Court of the
United States, this thirteenth day of May, in
the year of our Lord one thousand eight hun-
dred and seventy.

(Signed)

Jos. P. Bradley.

Asso. Just. Sup. Ct. U. S.

mmmm

Marshalls return. Filed June 1st 1870

Received. May 18. 1870, by the U. S. Marshal, and
on the same day, month, and year served
a copy of the within citation on the within
named Crescent City Live Stock Landing
and Slaughter House Company through F.
J. Pratt, president thereof, by delivering the
same to him, said F. J. Pratt, in person, at
his office, corner of Common & Carondelet
streets in this city.

New Orleans. May 18th 1870.

(Signed)

L. W. Reed

Dist. U. S. Marshal

Certificate of Clerk.

United States of America.

Supreme Court E.D., State of Louisiana:

I, Martin Pierre Julian, deputy clerk of
the supreme court of the State of Louisiana
in the eastern district do hereby certify that the
foregoing twenty two (22) pages contain
a true copy of the transcripts of the proce-
dings had in the fifth district court for
the parish of Orleans in a certain suit
wherein the Crescent City Live Stock Land-
ing and Slaughter House Company was
plaintiff and The Steamboat S. L. Hodge
No. 2 and owners were defendants, and
also of the proceedings had in this supreme
court, on the ~~owners~~, ~~which appeal is~~

taken by said B. L. Hodge N.2. and owners
which appeal is now on ^{file} files thereof under
N.2507

In testimony whereof I have hereunto
set my hand and affixed the seal of said
court at the city of New Orleans, this twenty
first day of July, and in the ninety fifth
year of the independence of the
United States of America.

Seal

M. P. Julian,

Deputy Clerk

United States of America 33.

The President of the United States
to the honorable the judges of the su-
preme court of the State of Louisiana,
Greeting:

Because in the record and proceed-
ings, as also in the rendition of the judg-
ment of a plea which is in the said supreme
court before you between The Crescent City
Live Stock Landing & Slaughter House
Company, plaintiff, and The Steamer B.
L. Hodge N.2. & Joseph A. Hiken, John
H. Menze & John Boardman, her owners
defendants, a manifest error hath ap-
peared, to the great damage of the said
Steamer B. L. Hodge N.2. & Joseph A. Hiken
John H. Menze and John H. Menze & John
Boardman her owners, as by their complaint

appears; we being willing that error if
any hath been, should be duly corrected and
full and speedy justice done to the parties
aforesaid in this behalf, do command you
if judgment be therein given, that then
under your seal, distinctly and openly you
send the record and proceedings aforesaid
with all things concerning the same, to
the Supreme Court of the United States, to
getlier with this writ, so that you have the
same at Washington on the first Monday
of December next, in the said Supreme Court
to be then and there held, that the record
and proceedings aforesaid being inspected
the said Supreme Court may cause further
to be done therein to correct that error, what
of right and according to the laws and
customs of the United States should be done.

Witness the Honorable Salmon P. Chase
Chief Justice of the said Supreme Court
of the United States, this thirteenth day of
May in the year of our Lord one thousand
eight hundred and seventy.

D. Urban.

Seal

Clerk of the United States Cir-
cuit Court for the District of
Louisiana.

(Indorsed) Supreme Court of Louisiana No.
2517 The Crescent City Live Stock Landing and
Slaughter House Company versus The Steam
er B. L. Hodge No. 2 Tonnage. Writ of Error.
Allowed May 13, 1870.

Joe. P. Bradley

Asso. Jus. Sup Ct. U.S.

Filed May 10th 1870 M. P. Julian Deputy Clerk
U. S. State of La.
W. D. P.

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Petition

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Louisiana.
Sup. Court.

No. 478.

The Steamer B. L. Hodge N^o 2 Joseph
A. Siker, John H. Mearge and John Board.
man

vs. Plaintiffs in Error.

The Crescent City Live Stock Landing
and Slaughter House Company -



Filed 30th August, 1870.

And the same is hereby remanded to you, the said Judges of the said *Supreme Court*, in order that such execution and proceedings may be had in the said cause, in conformity to the judgment and decree of this Court above stated as, according to right and justice, and the Constitution and laws of the United States, ought to be had therein, the said writ of error notwithstanding.

Witness the Honorable *Salmon P. Chase*, Chief Justice of said Supreme Court, the first Monday of December, in the year of our Lord one thousand eight hundred and seventy

COSTS: *Appellees*
Clerk \$
Attorney . . \$
\$
\$

Taxed by *L. W. Middleton*
Clerk of the Supreme Court of the United States.

No. 246, Decr Term, 1870.

MANDATE,

SUPREME COURT UNITED STATES.

*Steamer W. S. Hedges to
W. S. S. Hedges & Co.*

And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and seventy ~~, the said cause came on to be heard before the Supreme Court of the United States on the said transcript of the record, and ~~was argued by counsel~~; On consideration whereof, on the motion of Mr. J. L. A. Fellows of counsel for the plaintiffs in error it is now here ordered & adjudged by this Court, that the writ of Error in this cause be, and the same is hereby dismissed with costs, and that the said appellees recover against the said appellants *The Steamer B. L. Hodge & Co. J. A. Hiken & al.* claimants.

for their costs herein expended and have execution therefor
19th Oct. 71.

as by the impetition of the attorneys of the said *Supreme Court*

_____ which was brought into the Supreme Court of the
United States, by virtue of a writ of *certiorari*.

according to the Act of Congress.

_____ in such case made and provided, fully and at large appears.

UNITED STATES OF AMERICA, SS.

The President of the United States of America,

To the Honorable the Judges of the Supreme
Court of the State of Louis-
iana

greeting:

Whereas, lately, in the Supreme Court of the State
of Louisiana

before you, or some of you, in a cause between The Steamer B. L.
Hodge No 2 and Joseph A. Hiken,
John H. Menge, and John Board-
man her owners appellants, and The
Crescent City Life Stock and Slaugh-
ter House Company Appellees, wherein
the decree of the said Supreme Court
entered in said cause on the 11th day
of April A.D. 1870 is in the following
words, viz:

"It is ordered, adjudged and de-
creed that the judgment of the dis-
trict court be affirmed, with costs
of Appeal."

SUPREME COURT U. S.

No. *246*

DECEMBER TERM, 18*70*.

JUDGMENT.

No. 246

Supreme Court of the United States.

December Term, 1870.

The Steamer "P. S. Dodge" No 2
Joseph A. Hickey, John H. Menge,
and John Boardman.

vs. Plaintiffs in error.
The Crescent City Live Stock Land-
ing and Slaughter House Company.

In Error to the Supreme Court of the State of Lou-
isiana.

This cause came on to be heard on the transcript of the record
from the Supreme Court of the State of Louisiana,
and ~~was argued by counsel~~ on the motion of Mr
J. D. A. H. of counsel for the plaintiffs in error
~~On consideration whereof~~ It is now here ordered & adjudged
by this Court, that the writ of error of the said Court,
in this cause, be, and the same is hereby, dismissed with
costs.

per Mr Chf. Jus. Chase.
19th October 1871.

Supreme Court U. S.

1870. DEC. TERM.

No. 246

A P P E A R A N C E.

FILED

Oct 16th 1871.

Supreme Court of the United States.

December Term, 1869. No. 478.

The Str "B L Lodge" No 2 et al

vs.

Plffs on Error

Crescent City Live Stock Landings

and Slaughter House Co

Defrs in Error

The Clerk will enter my special appearance as Counsel for

W B Black

Supreme Court U. S.

1869. DEC. TERM.

No. ~~478~~ 246

Præ. to enter special app'e.

FILED

Oct 10th 1869.

Supreme Court of the United States.

December Term: 1869. No. 478.

Str "B. L. Hodge No. 2" et al

vs.

Plffs in Error

C. C. L. S. L. & S. H. Co

Rec'd from the Clerk a copy of the record, as Counsel for

Def't in Error

J. S. Plank

Supreme Court U. S.

1869 DEC. TERM.

No. ~~78~~ 246

Rec't for Rec'd.

FILED

Oct 10th 1870.

Supreme Court of the United States.

December Term: 1869. No. 478.

Str "A. L. Hodge No 3"
P.E.

vs.

L. L. S. S. S. and S. H. Co.

Rec'd from the Clerk a copy of the record, as Counsel for

left in care

Charles Allen

Supreme Court U. S.

1869 DEC. TERM.

No. 478 246

Rec't for Rec'd.

FILED

Nov 4th 1870.

Supreme Court of the United States.

December Term, 1869. No. 478.

Str "B L Hoage No 3"

vs. Affirm Error

Crescent City Live Stock Landings
and Slaughter House Co

The Clerk will enter my special appearance as Counsel for *defts in error*.

Charles Allen

30 Court St
Boston

Supreme Court U. S.

1869. DEC. TERM.

No. ~~478~~ 246

Præ. to enter special app'e.

FILED

Nov 4th 1860.